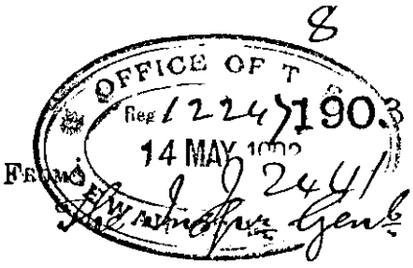
8



From The Inspr Genl of Prisons in Mysore.

To

The Secy: to the Govt of Mysore
Genl & Rev Deptt
Bangalore.

Dated 12th May 1903.

Despatched 13th

Received

General No. 419
No. J

Enclosure No. 8.

With reference to his docketed No: J.1622 dated 16th April 1903, returns the appeal petition with its enclosure together with the records in original bearing on the case of 2nd Grade Warder Ramaswamy of the Bangalore Central Jail.

Inst
14.5.03

Refer. for info
8/15/5

MGCPB—3-3-01—50 reams.

G. R. S. 59] GPB—15,000—20-12-13

GENERAL AND REVENUE SECRETARIAT.

1902.
(P 4 7)

P. 23

File No. 1—02

Serial Nos. 5 4 8.

~~**Papers Filed.**~~

Month of ~~November~~ 1902.

SUBJECT.

Memorial from prisoner Era Attka against the orders passed by the chief court

PREVIOUS REFERENCES.	LATER REFERENCES.
	Enclosed. N. B. Thommanna Commanded

1

1. No. of Case.

Prisoner. Ira Anka

SECTION P 4 Y

FILE No. 1-02

SUB No.

Criminal Case No. 92 of 1901-02
on the file of the General Asstt. Court of First Class Magistrate
Tumkur District,
Tumkur Sessions Case No. 32

2. Court or Courts which tried it.

of 1901-02 and Criminal Appeal Case No. 13 of 1902 on the file of the Chief Court of Mysore. Referred case
No 2 of 1901-03
First Class Magistrate's Court, Tumkur
District and the ~~Sessions Court of the~~ Chief Court of Mysore Division.

3. Nature of sentence originally passed and confirmed or altered in appeal.

Sentenced to death by the judge presiding at the Chief Court Sessions and this Sentence was Confirmed ~~on appeal~~ by the Chief Court, the appeal against Conviction having been dismissed.

4. Date of sentence.

26th September 1902.

The facts of the case are as follows:—

On the 26th March 1902, one, Jadidar Ramaswamiah of the Halgere village Kunigal Taluk, went from his village to Superwise the work of getting a small tank near his garden, trespass

and improved. He sent word to his wife that he would not return home till late that night & had his break-fast and evening meal there. He was at the place of his work till the evening, and left the place to go to a village called Modur, in the Company of the memorialist Ira Anka, to arrange to get some Stone Slabs required for his work. He did not return home that night. Nothing definite was discovered on the next day, and on the 28th March 92, the deceased's wife complained formally to the Dafedar and gave a detailed statement disclosing the suspicion she entertained against the memorialist, in whose company the deceased was last seen alive on the evening of the day of murder, by the 4th prosecution witness, Ramaswamiah.

On the 2nd April, the Amildar, came to the village to investigate the case. The memorialist who

who, till then, had denied any knowledge of the murder, made a Confession to the Police, and subsequently before the Amildar to the effect that he had committed the murder and pointed out the spot where the dead body had been buried, (name) a fresh pit covered with stones) and also the place where certain articles which were on the person of the deceased had been concealed. The ~~wa~~ body was found and identified as that of the missing person, by his wife and by the 8th witness, Venkatrama-na. The memorialist also took out of a tank, a stick, cap, handkerchief &c. belonging to the deceased which were also identified as the deceased's property by his wife (2nd witness). He pointed out the sticks with which the body of the deceased was carried to the place of burial and also gave up a hatchet, the handle of which, the

he said was the club
with which he had killed
the deceased.

The memorialist stuck
to his Confession before
the Committing Magte,
but retracted everything
before the Court of Session
stating that he was
tortured by the Police
to make the statements
before the Aniloar
and the Committing
Magistrate. // The medical evidence
showed clearly that the death of the deceased was due to violence.

Upon the above facts,
the Sessions Judge,
agreeing with the assessors,
found the memorialist
Ira Auka guilty of the
offence of murder of
the deceased Ramalingam
and sentenced him to
be hanged. This sentence
was confirmed by the
Chief Court, & the memori-
-alist's appeal was dis-
-missed.

The memorialist
now prays that the
sentence of death passed
on him may be set
aside for the following
reasons:—

(1) That he did not kill the deceased and knew nothing about his death.

(2) That the Police Concocted the case against him.

(3) That the Sessions Court and Chief Court have convicted him solely on alleged admission and circumstantial evidence

(4) That there was no motive for him to murder the deceased as admitted by the Sessions Court.

(5) That the facts alleged against the memorialist are not conclusive & that he should be given the benefit of the doubt.

Submitted for orders.

11/11/02

11-11-02

To the Dewan.

7160
20.11.02

Submitted to His Highness
the Maharaja –

This memorial has
been sent through the Chief
Court. There appear to be
no grounds for interference
and the memorial may
be rejected.

12.XI.02

7

In the Matter of a Memorial of Ira Auka, prisoner in Tumkur Sessions Case No 32 of 1901-02 and appellant in Criminal appeal case No 13 of 1902-03 on the file of the Chief Court of Mysore, praying that the sentence of death passed on him may be set aside.

His Highness the Maharaja

has been pleased to pass the following

Order.

There is no reason to interfere with the sentence passed on the memorialist. The memorial is therefore rejected

Mysd.

M
18-11-11

Draft.

Record of Case submitted for the orders of His Highness the Maharaja.

Subject.

185

Memorial of Ira Anka, prisoner in Tumkur Sessions Case No. 32 of 1901.2, and appellant in Criminal appeal Case No. 13 of 1902.3, on the file of the Chief Court of Mysore, praying that the sentence of death passed on him, may be set aside -

Order.

I see no reason to interfere with the Sentence.

KRW

17/11/02

23.8.

8953 Order and warrant 18.XI.02

18/11

Draft-ord? ~~Letter~~
for appl. Such orders need
to be signed by the Dewan
heretofore.

If the matter is
treated as judicial (courts)
~~papers~~ should not the ~~papers~~
have been ord & the
2d C.r. ½ in the first instance?

18.11.02

Is this necessary?

To the Dewan.

(Signed by Dewan)

7318
ord 18.11.02

order issued on 25/11/02

Read 26/11/02

I do not know why this has
now been sent to me
after everything has
already been settled by the
procedure adopted
by the Secretary is
novel. The papers
should have come to
me in the first instance
and they should have
had my opinion, after-
wards gone up to
the Dewan & His Highness.

~~It is a judicial matter~~
as it has ~~already~~ been
rightly considered ~~by~~

XX

Kindly Please Enclosed
This to the Dewan. But
Please Send delay the
Issue of order in accordance
with His Highness decision
27-11-02

Kindly I ask for an
a ruling on the subject.
Greenwood
27-11-02

[A typed copy of the 2nd
note is putup-] Ellis
2 Dec 02

10

I am not sure what is the correct procedure. The petn to be disposed of was one addressed to H.H. the Maharaja. I think I sent up the papers to the Dewan direct as not being a matter strictly falling within rule 3. A ruling on the matter would be of considerable help.

28/11/1902

The Dewan.

7589
28.11.02

9392

I concur in the view expressed by the Hd Comm.

2.III.03

8/3

Subject:- Memorial of Ira Anka, prisoner in Tumkur Sessions Case No. 32 of 1901-02, addressed to His Highness the Maharaja of Mysore. (J.File No.7 of 1902-03)

.....

I do not know why this has now been sent to me after everything has already been settled. If this is a judicial matter as it has always been rightly considered to be, the procedure adopted by the Secretary is novel. The papers should have come to me in the first instance, and they should have with my opinion, afterwards gone up to the Dewan and His Highness.

May I ask for favor of a ruling on the subject ?

Sd/ C.Sreenivasiengar.

27/11/02.

Secretary.

Please submit this to the Dewan. But please don't delay the issue of orders in accordance with His Highness's decision.

"Intld" C.S.

orders issued on 25/11

27.11.1902

I believe the Secretary has made a note of interrogation below the Dewan's order. I beg to ask if anything else has to be done in the matter, or whether we may in future follow the procedure indicated in the 2d Cir's note & assented to by the Dewan, Vz. that papers connected with the memorials of prisoners made in the first instance be submitted to the 2d Cir., & then with his opinion to the Dewan.

Rd 6 Sept 03

3.3.03

The interrogation has no reference to this. I wanted to see this paper again & to long with some other similar cases received today.

3/3

4.3.03

(General Serial No. 30.)

J601

~~189~~ 1902-03

5707.

SECTION P & J

FILE NO. 1-02

SERIAL NO. 5

From 1 The Regent as of the Chief Court, Jaypore

To 2 The Secretary to the Govt. of Jaypore

Dated 5/11/02

Despatched 7/11/02

Received

Enclosures No. 2 + Records

General No. 2695

No. 99

Forwards a Memorial addressed to H. H the Maha-Rajah of Jaypore by Era Anka accused in Sumkhie Dacoity case No. 32 of 1901-02 and Appellant in Criminal Appeal No 13 of 1902/13 Criminal Ref. case No 2

Jud
10. Nov 2

Ex Secy
Ex
16/9

No. 2695 Jud: 2
99 of Records

2

Bangalore 5th November 1902

From.

V. A. Rajaratna mood. Esqr:
Registrar, Chief Court of Mysore.

To,

H. V. Nanjundayya Esqr; M.A.M.L.
Secretary to Government,
Jud: & Rev: Departments

Sir,

I am directed to forward a memorial addressed to His Highness the Maharaja of Mysore by Era. Anka, accused in Tumkur Sessions case no. 32 of 1901-02 and appellant in Criminal appeal no. 13 & Reference case no. 2 of 1902-03 on the file of this Court.

2. The Superintendent of the Central Jail, through whom the memorial was received, has been directed to suspend the sentence of death passed on the memorialist pending disposal of his memorial.

3. The entire record of the case is herewith forwarded.

I have the honor to be
Sir,
your most obedient servant
V. A. Rajaratnamudali
Registrar

Encl

To.

Enclosure to 45

His Highness Sree
Krishna Raja Wodeyar,
Bahadur.
Maharaja of Mysore

The Humble Memorial
of Era Anka condemned
to be hanged in Tumkur Sessions
Case No. 32 of 1901—02, for
the murder of Jodidar Ramasamier
of Halgeri.

Sheweth

(1) That your memorialist
did not kill the deceased,
and knew nothing about his
death.

(2) That the Police concocted
the case against him.

(3) That the Sessions Court
and High Court have

Contd.

convicted your memorialist solely on alleged admission and circumstantial evidence.

(4) That even the Sessions Court admits that there was no motive for the murder by your memorialist who was the deceased's servant.

(5) That the facts alleged against your memorialist do not prove that he committed murder and there is clearly a doubt in the case which your memorialist should have the benefit of.

Your memorialist therefore humbly begs your Highness to exercise your Royal Prerogative and set aside the sentence of death passed on your memorialist.

4—11—02

5

GOVERNMENT OF MYSORE

In the Chief Court of Mysore at Bangalore

Friday, the 26th day of September 1902

Present

Mr. justice J. B. Best, Chief judge

and

Mr. justice A. Ramachandra Iyar, Dewan Bahadur

Petition of Criminal Appeal / Criminal Reference Case No. 13/2 of 1902-03, against the conviction and sentence by Mr. justice H. V. Nanjundayya, M. A. M. L., officiating judge of this Court, under section 302 of the Indian Penal Code, in Tumkur Sessions Case No. 32 of 1901-02

Appellant
Era Anka
(accused)

Judgment

The appellant has been found guilty of the murder of Jodidar Ramasamiah of Halgeri and sentenced to death.

It appears that on 26th March last the deceased had sent word to his wife that he would not return home till late that night; but he did not return at all; and as nothing could be ascertained on the following day his wife sent word to the Sheikdar: who came with the Police Duffadar on the next day, 28th march. The appellant was suspected from

from the beginning, as he was with the deceased when the latter was last seen alive on the evening of 26th March, when 4th witness for prosecution, Ramaswamiah, saw the deceased and appellant start together for Modur. Next morning, on being questioned about the deceased, appellant denied all knowledge, saying he himself did not go to Modur as he "got stomach ache on the way". He appears to have made a similar statement to 8th witness Venkataramana and explained his not reporting the fact by saying "deceased had not asked him to do so." Appellant was "kept under observation," and persisted in denying all knowledge of what had become of the deceased till 2nd April, when the amildar arrived in the village. To him also he at first denied all knowledge, but subsequently made an admission and pointed out the place where the dead body was buried. There the body was found and identified as that of the missing Ramasammiah by his wife Thimmamma (2nd witness) and by 8th witness Venkataramana. After this the accused appears to have taken out of a tank a stick, cap, handkerchief, repent, and a spectacle case with spectacles in it,

also

also some papers containing names of coolies See the evidence of the Amildar (1st witness) Patel (9th witness) and Venkatāramana (8th witness). He also took them to a place where were found two sticks with which he said the body had been carried; and also gave up a hatchet, the handle of which he said was the club with which he had killed the deceased. The sticks, handkerchief, cap and spectacles are identified by 2nd witness Thimma as having belonged to her husband.

From the evidence of the Hospital Assistant V. Chengalroya Naidu (Exhibit D) it is clear that the deceased was murdered. He found a gaping wound on the back of the head, also fracture of the occipital and parietal and frontal bones, which "must have been caused by a blunt heavy instrument such as a club and were sufficient to cause death."

In his statement (E) before the committing Magistrate the appellant has made a full confession. But this confession he retracted at the trial before the Sessions Court; and had there been the confession alone, the case might have

have been one of no evidence - as contended on his behalf. But there are the facts of appellants having shown the place where the dead body was buried and of his having given up things belonging to the deceased &c - as to which there is the evidence of witnesses. It is further contended that the fact of the appellant having buried the body is not conclusive proof of his being the murderer, any more than the 3rd witness for prosecution, Chenna who admittedly helped the appellant in conveying the body from the place of the murder to that of ~~the~~ burial. But the fact of Chenna having been sent for by appellant subsequently to the murder is apparent from the evidence of appellants' mother Doddi, 6th witness, read with the statement of appellants' wife Hombe before the committing Magistrate. The former states that appellant asked her to bring Chenna and she did so; while Hombe has said this was "after he (appellant) returned home and took his meal.

The mother has also stated before the Committing Magistrate that on her going the ~~next~~ morning to the 'mantap (where she cooks) she "found the ground tampered with about the hearth"; and on questioning

questioning appellant about it, he replied "I have put in an iron axle. What is it to you? Shut up." It is at this spot that the body was found buried.

3rd witness Chenna has deposed that the body was carried in a rope net. Appellants' wife has identified the net before the Court to be one which appellant himself had made. She has also corroborated the appellants' statement that he cut a bit off the club and converted it into the handle of the hatchet.

As to appellants' motive for killing the deceased, he himself has stated that he was instigated thereto by the Patil and Shanbogue, who promised to give him Rs 95; and it is to be observed that in the Patels' cross-examination he is asked if such was not the case. It is also seen that before the committing magistrate the witness Chenna was asked in cross-examination if it was not because he was "offered one half of the reward for the murder promised" to appellant that he (witness) "went to assist and dispose of the body."

"Whatever the motive may have been

FROM THE OFFICE

been, there seems no reason to doubt the fact of the murder having been committed by the appellant.

The appeal is therefore dismissed and the sentence confirmed as there are no extenuating circumstances.

A true Copy

D. A. Attestmund

Registrar

Chw

10

Dewan

OFFICE OF THE ~~GOVERNMENT~~ OF MYSORE.

No 1724. Encl. Records & copy of order. Dated Bangalore, 25. 11. 02

From

The General Secretary to the Government of Mysore.

SECTION P & J
FILE No 1—02
8

To

The Registrar of the Chief Court of Mysore.

SIR,

I am directed to forward herewith for information of the Judges of the Chief Court and for communication to the prisoner Ira Anka. under ~~the~~ sentence of death in the Bangalore Central Jail, copy of order passed by H. H. the ~~Maharani~~ Maharaja ~~Regent~~ of Mysore, on the prisoner's memorial rejecting the same.

2. The entire records received with your letter No. 2695 dated 5th November 1902 are herewith returned. 99

I have the honor to be,

SIR

Your most obedient servant,

for General Secretary.

J·78
26-11-02